

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

PATRICIA BRAUN,

Plaintiff(s),

ORDER

CV07-2198 (SJF)(WDW)

-against-

SECURITAS SECURITY SERVICES USA, INC.,
and FRANK TROMBINO,

Defendant(s).

-----X

WALL, Magistrate Judge:

Before the court is the plaintiff's motion to compel production of a "hardcopy" of "the Working Schedule Timesheet" for the period August 2005 to December 2005 and a copy of the "Guard Information Sheet" for the same period. DE[15]. The motion appears to be moot.

As to the Timesheets, in their opposition, the defendants stated that they told Ms. Braun they could not retrieve any Working Schedule Timesheets in the format in which she was requesting them for the period August 2005 to October 13, 2005 because of a change in the payroll system. DE[16]. The defendants further stated that they produced the relevant Timesheets for October 14, 2005 through October 27, 2005 in May and had previously produced the Timesheets for the period October 28, 2005 through the end of December 2005. *Id.* The remaining timesheets, the defendants stated, were not produced because they did not "exist in the format" the plaintiff was seeking. As to the Guard Sheets, the defendants advised the plaintiff that they could not determine what "Guard Information Sheets" were and thus could not produce them without further clarification from the plaintiff.

The court issued an order directing the defendants to submit a supplemental letter defining the format in which the plaintiff was seeking the timesheets, and the format in which they might be available. In their supplemental letter, the defendants stated again that they could

not “print out” the Working Schedule Timesheets for 8/05 to 10/13/05. DE[17] at 1. This does not answer the “format” question. They report, nonetheless, that they have now produced to Ms. Braun “the closest thing to a ‘Working Schedule Timesheet’ that Securitas is able to produce for the time period she seeks, although in a different format.” Inasmuch as it is presumably the underlying information that the plaintiff wants, whatever format it might be in, that production should satisfy the demand.

As to the other demand, the plaintiff should again explain to the defendants the nature of the “Guard Information Sheets” she is seeking so they can respond to the demand if possible. The pretrial conference will go forward on June 19, 2008 at 10:00 a.m. in Courtroom 820, as previously scheduled.

Dated: Central Islip, New York
June 4, 2008

SO ORDERED:

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge